

BOARD BILL NO. 77

INTRODUCED BY ALDERMAN JOHN COATAR

1 An ordinance approving the Additional Property Petition of owners of real property
2 seeking the addition of real property described as the Laclede's Landing Subdistrict to be added
3 to the existing district known as The Downtown St. Louis Community Improvement District,
4 Inc.; finding a public purpose for the addition of real property described as the Laclede's
5 Landing Subdistrict to be added to the existing district known as The Downtown St. Louis
6 Community Improvement District, Inc.; and containing a severability clause and an emergency
7 clause.

8 WHEREAS, Mo. Rev. Stat. § 67.1401 et seq. (the "Act") authorizes the Board of
9 Aldermen to approve the petition of property owners to establish a Community Improvement
10 District; and

11 WHEREAS, on March 31, 1999, certain property owners or authorized representatives of
12 the owners of more than 50% by assessed value and per capita located within the proposed
13 boundaries of the Downtown St. Louis Partnership, Inc. Community Improvement District
14 requested the establishment of the Downtown St. Louis Partnership, Inc. Community
15 Improvement District consisting of a 225-block community improvement district to be known as
16 the Downtown St. Louis Partnership, Inc. Community Improvement District; and

17 WHEREAS, the Board of Aldermen on July 23, 1999, adopted and on July 29, 1999, the
18 Mayor approved Ordinance 64724 which authorized the establishment of the Downtown St.
19 Louis Partnership, Inc. Community Improvement District consisting of 225 blocks for a term
20 ending December 31, 2004; and

1 WHEREAS, Downtown St. Louis Development, Inc. and Downtown St. Louis
2 Management, Inc. were merged into the Downtown St. Louis Partnership, Inc. Community
3 Improvement District, which changed its name to The Downtown St. Louis Community
4 Improvement District, Inc. as of July 1, 2002; and

5 WHEREAS, the Act does not contain a provision for the extension of an existing
6 Community Improvement District; and

7 WHEREAS, on March 31, 2004, certain property owners or authorized representatives of
8 the owners of more than 50% by assessed value and per capita located within the proposed
9 boundaries of The Downtown St. Louis Community Improvement District, Inc. requested the
10 creation, extension, renewal and establishment of a portion of The Downtown St. Louis
11 Community Improvement District, Inc. consisting of a 165-block community improvement
12 district to continue to be known as The Downtown St. Louis Community Improvement District,
13 Inc.; and

14 WHEREAS, the Board of Aldermen on July 16, 2004, adopted and on July 19, 2004, the
15 Mayor approved Ordinance 66326 which authorized the creation, extension, renewal and
16 establishment of The Downtown St. Louis Community Improvement District, Inc. consisting of
17 165 blocks for a term ending December 31, 2011; and

18 WHEREAS, on March 31, 2004, certain property owners or authorized representatives of
19 the owners of more than 50% by assessed value and per capita located within the proposed
20 boundaries of The Downtown St. Louis Community Improvement District, Inc. requested the
21 creation, extension, renewal and establishment of a portion of The Downtown St. Louis

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1 Community Improvement District, Inc. consisting of a 165-block community improvement
2 district to continue to be known as The Downtown St. Louis Community Improvement District,
3 Inc.; and

4 WHEREAS, the Board of Aldermen on July 16, 2004, adopted and on July 19, 2004, the
5 Mayor approved Ordinance 66326 which authorized the creation, extension, renewal and
6 establishment of The Downtown St. Louis Community Improvement District, Inc. consisting of
7 165 blocks for a term ending December 31, 2011; and

8 WHEREAS, on March 21, 2011, certain property owners or authorized representatives of
9 the owners of more than 50% by assessed value and per capita located within the proposed
10 boundaries of The Downtown St. Louis Community Improvement District, Inc. requested the
11 creation, extension, renewal and establishment of a portion of The Downtown St. Louis
12 Community Improvement District, Inc. consisting of a 165-block community improvement
13 district to continue to be known as The Downtown St. Louis Community Improvement District,
14 Inc.; and

15 WHEREAS, the Board of Aldermen on June 24, 2011, adopted and on July 5, 2011 the
16 Mayor approved Ordinance 68935 which authorized the creation, extension, renewal and
17 establishment of The Downtown St. Louis Community Improvement District, Inc. consisting of
18 165 blocks for a term ending December 31, 2021; and

19 WHEREAS, on May 1, 2015, an additional property petition (the "Additional Property
20 Petition") has been signed by certain property owners or authorized representatives of the owners
21 of more than 50% by assessed value and per capita of the additional property described as the

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1 Laclede's Landing Subdistrict which requests such additional property to be added to the
2 existing district known as The Downtown St. Louis Community Improvement District, Inc.
3 consisting of a 9-block subdistrict to be known as the Laclede's Landing Subdistrict of The
4 Downtown St. Louis Community Improvement District, Inc. as of the effective date of this
5 ordinance; and

6 WHEREAS, The Downtown St. Louis Community Improvement District, Inc. contracts
7 with The Partnership for Downtown St. Louis, which changed its name to Downtown STL, Inc.
8 ("Downtown STL"), to provide management and staff for day-to-day operations and
9 implementation of the Management Plan and the Management Plan Supplement described in the
10 Additional Property Petition; and

11 WHEREAS, the Additional Property Petition has been filed with the Register of the City;
12 and

13 WHEREAS, the Register of the City reviewed and determined that the Additional
14 Property Petition substantially complies with the requirements of the Act; and

15 WHEREAS, the Board of Aldermen did on _____, 2015 introduce
16 Resolution No. _____ declaring its intention to authorize the addition of real property described
17 as the Laclede's Landing Subdistrict to be added to the existing district known as The Downtown
18 St. Louis Community Improvement District, Inc., a Community Improvement District in
19 downtown St. Louis, and calling for a public hearing on the matter; and

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1 WHEREAS, such public hearing, duly noticed, was held at 10:00 a.m. on
2 _____, 2015, [and continued until _____ . m. on
3 _____,] by the Board of Aldermen; and

4 WHEREAS, this Board of Aldermen hereby finds that the adoption of this ordinance is in
5 the public interest of the City; that the addition of real property described as the Laclede's
6 Landing Subdistrict to be added to the existing district known as The Downtown St. Louis
7 Community Improvement District, Inc. is a public purpose; and that the property owners,
8 residents and persons engaging in business or visiting downtown St. Louis, and the public in
9 general will benefit by the addition of said additional property;

10 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS
11 FOLLOWS:

12 **SECTION ONE.**

13 (a) The addition of real property described as the Laclede's Landing Subdistrict
14 (hereinafter referred to as the "Additional Property Subdistrict") to the Existing District known
15 as The Downtown St. Louis Community Improvement District, Inc. (hereinafter referred to as
16 the "Existing District"), is authorized under the Act to provide services, construct improvements,
17 impose special assessments, and carry out other functions as set forth in the Additional Property
18 Petition, and to receive the services and benefits all as set forth in the Additional Property
19 Petition attached hereto as Appendix A and made a part hereof.

20 (b) The Additional Property Subdistrict boundaries are set forth on the map in
21 Appendix B-1 and are described as follows:

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Beginning at the intersection of the centerline of Washington Avenue and Interstate 70; thence eastwardly along the centerline of Washington Avenue across all intervening streets to the intersection of the centerlines of Washington Avenue and Commercial Street; thence northwardly along the centerline of Commercial Street across all intervening streets to the intersection of the centerlines of Commercial Street and Carr Street; thence westwardly along the centerline of Carr Street across all intervening streets to the intersection of the centerlines of Carr Street and Interstate 70; thence southwardly along the centerline of Interstate 70 across all intervening streets to the intersection of the centerlines of Interstate 70 and at Washington Avenue, the point of beginning.

(c) The Existing District boundaries are set forth on the map in Appendix B-2 and are described as follows:

Beginning at the intersection of the centerline of 14th Street and Interstate 40/64; thence eastwardly along the centerline of Interstate 40/64 across all intervening streets to the intersection of the centerlines of Interstate 40/64 and Interstate 70; thence northwardly along the centerline of Interstate 70 across all intervening streets to the intersection of the centerlines of Interstate 70 and Cole Street; thence westwardly along the centerline of Cole Street across all intervening streets to the intersection of the centerlines of Cole Street and 14th Street; thence southwardly along the centerline of 14th Street across all intervening streets to the intersection of the centerlines of 14th Street and Delmar Boulevard; thence westwardly along the centerline of Delmar Boulevard across all intervening streets to the intersection of the centerlines of Delmar Boulevard and 18th Street; thence southwardly along the centerline of 18th Street across all intervening streets to the intersection of the centerlines of 18th Street and Chestnut Street; thence eastwardly along the centerline of Chestnut Street across all intervening streets to the intersection of the centerlines of Chestnut Street and 14th Street; thence southwardly along the centerline of 14th Street to the intersection of the centerlines of 14th Street and at Interstate 40/64, the point of beginning.

(d) The combined Existing District and Additional Property Subdistrict boundaries are set forth on the map in Appendix B-3 and are described as follows (together, the Additional Property Subdistrict and the Existing District shall be hereinafter referred to as the "District"):

Beginning at the intersection of the centerline of 14th Street and Interstate 40/64; thence eastwardly along the centerline of Interstate 40/64 across all intervening streets to the intersection of the centerlines of Interstate 40/64 and Interstate 70;

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1 thence northwardly along the centerline of Interstate 70 across all intervening
2 streets to the intersection of the centerlines of Interstate 70 and Washington
3 Avenue; thence eastwardly along the centerline of Washington Avenue across all
4 intervening streets to the intersection of the centerlines of Washington Avenue
5 and Commercial Street; thence northwardly along the centerline of Commercial
6 Street across all intervening streets to the intersection of the centerlines of
7 Commercial Street and Carr Street; thence westwardly along the centerline of
8 Carr Street across all intervening streets to the intersection of the centerlines of
9 Carr Street and Interstate 70; thence southwardly along the centerline of Interstate
10 70 across all intervening streets to the intersection of the centerlines of Interstate
11 70 and Cole Street; thence westwardly along the centerline of Cole Street across
12 all intervening streets to the intersection of the centerlines of Cole Street and 14th
13 Street; thence southwardly along the centerline of 14th Street across all
14 intervening streets to the intersection of the centerlines of 14th Street and Delmar
15 Boulevard; thence westwardly along the centerline of Delmar Boulevard across
16 all intervening streets to the intersection of the centerlines of Delmar Boulevard
17 and 18th Street; thence southwardly along the centerline of 18th Street across all
18 intervening streets to the intersection of the centerlines of 18th Street and
19 Chestnut Street; thence eastwardly along the centerline of Chestnut Street across
20 all intervening streets to the intersection of the centerlines of Chestnut Street and
21 14th Street; thence southwardly along the centerline of 14th Street to the
22 intersection of the centerlines of 14th Street and at Interstate 40/64, the point of
23 beginning.

24
25 **SECTION TWO.**

26 (a) The District is authorized by the Additional Property Petition in accordance with
27 the Act to use any one or more of the assessments or other funding methods for the Additional
28 Property Subdistrict specifically authorized by the Act and the Additional Property Petition to
29 provide funds to accomplish any power, duty or purpose of the District.

30 (b) The District is authorized by the Act to establish different classes of real property
31 within the District for purposes of special assessments. The levy rate for special assessments
32 may vary for each class or subclass based on the level of benefit derived from services or
33 improvements funded, provided or caused to be provided by the District.

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1 (c) The District is authorized by the Act to assess and collect within the Existing
2 District and the Additional Property Subdistrict an assessment based upon an annual calculation
3 of lot gross square footage and building gross square footage above the first floor.

4 (d) (i) The District, when the Additional Property Subdistrict is approved by the
5 Board of Aldermen and Mayor, is authorized by the Act and by the Additional Property Petition,
6 when approved by the Board of Directors of the District, to assess and collect annual assessments
7 against each tract, lot or parcel of real property in the Additional Property Subdistrict in an
8 amount not to exceed \$.1286 per lot square foot and \$.0702 per square foot per floor for each
9 floor above the first floor; provided, however, that each condominium unit on the first floor,
10 whether designated for residential or commercial use, shall be assessed at an amount not to
11 exceed \$.0702 per square foot; and each assessment may be annually increased by an amount not
12 to exceed a 4% annual average over the remaining District term.

13 (ii) Such special assessments against real property in the Additional Property
14 Subdistrict shall be levied beginning in 2015, so that funds will be available for operations on
15 January 1, 2016, and each January 1 thereafter during the remaining term of the District as
16 authorized by the Board of Directors of the District, provided however upon the receipt by the
17 President and CEO of Downtown STL on behalf of the District of a proper petition (the “Levy
18 Expiration Petition”) from owners of real property collectively owning more than 50% by
19 assessed value of the real property within the Additional Property Subdistrict or by more than
20 50% per capita of all owners of real property within the Additional Property Subdistrict prior to
21 September 15, 2018 (the “Levy Expiration Petition Filing Date”) the authorization to levy special

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1 assessments against real property in the Additional Property Subdistrict shall automatically lapse
2 and expire by its terms on January 1, 2018 (the “Assessment Levy Expiration”) and the last
3 special assessment payable by the owners of property in the Additional Property Subdistrict shall
4 be the special assessment due and payable on December 31, 2017 for payment of services,
5 programs and improvements in the Additional Property Subdistrict pursuant to the Management
6 Plan Supplement through the calendar year 2018.

7 (iii) The Management Plan Supplement provides that the scope, obligations and costs
8 of services, programs and improvements to be provided to the Additional Property Subdistrict
9 shall be limited to the funds collected by the special assessments levied in the Additional
10 Property Subdistrict.

11 (iv) If the Assessment Levy Expiration is not requested or does not occur in
12 accordance with Section 2(d)(ii) above, then the Management Plan Supplement shall continue
13 and the Additional Property Subdistrict services, programs and improvements shall continue to
14 be provided in accordance with the Management Plan Supplement and the final special
15 assessment payable by the property owners in the Additional Property Subdistrict shall be the
16 special assessment due and payable on December 31, 2020 for payment of services, programs
17 and improvements in the Additional Property Subdistrict pursuant to the Management Plan
18 Supplement through the calendar year 2021.

19 (v) Notwithstanding any provision to the contrary in the Management Plan, the
20 Management Plan Supplement or otherwise, in the event of the Assessment Levy Expiration, no
21 assessments provided in the Management Plan or the Management Plan Supplement shall be

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1 payable with respect to any properties located in the Additional Property Subdistrict after the
2 special assessment due and payable on December 31, 2017 for payment of services, programs
3 and improvements in the Additional Property Subdistrict pursuant to the Management Plan
4 Supplement through the calendar year 2018. Upon the Assessment Levy Expiration, no
5 services, programs and improvements shall be provided or made in the Additional Property
6 Subdistrict pursuant to the Management Plan Supplement for the calendar years 2019, 2020 and
7 2021.

8 (vi) In the Event of the Assessment Levy Expiration, the Board of Directors of the
9 District shall return or credit any balances of special assessments of the Additional Property
10 Subdistrict remaining in the funds of the District against the amount of the original assessment of
11 each parcel of property pro rata on the method of assessment of such special assessments of the
12 Additional Property Subdistrict.

13 (vii) Such special assessments levied and collected by the District within the
14 Additional Property Subdistrict represent the costs of the services and improvements described in
15 the Additional Property Petition to each owner of real property in the Additional Property
16 Subdistrict (each an “Additional Property Owner” and collectively, the “Additional Property
17 Owners”) within the Additional Property Subdistrict. The special assessment of each Additional
18 Property Owner shall represent that Additional Property Owner’s share of the benefit and the
19 cost of such services and improvements.

20 (e) Notwithstanding anything to the contrary, the District shall have no power to levy
21 any tax but shall only have the power to levy special assessments in accordance with the Act.

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1 **SECTION THREE.** The District is authorized by the Act, at any time, to issue
2 obligations for the purpose of carrying out any of its powers, duties or purposes. Such
3 obligations shall be payable out of all, part of any combination of the revenues of the District and
4 may be further secured by all or any part of any property or any interest in any property by
5 mortgage or any other security interest granted. Such obligations shall be authorized by
6 resolution of the District, and if issued by the District, shall bear such date or dates, and shall
7 mature at such time or times, but not more than 20 years from the date of issuance, as the
8 resolution shall specify. Such obligations shall be in such denomination, bear interest at such
9 rate or rates, be in such form, be payable in such place or places, be subject to redemption as
10 such resolution may provide and be sold at either public or private sale at such prices as the
11 District shall determine subject to the provisions of Mo. Rev. Stat. § 108.170. The District is
12 also authorized to issue such obligations to refund, in whole or in part, obligations previously
13 issued by the District.

14 **SECTION FOUR.**

15 (a) Pursuant to the Petition of the Existing District and the Additional Property
16 Petition, the District shall continue to be organized as a not-for-profit corporation known as The
17 Downtown St. Louis Community Improvement District, Inc.

18 (b) Pursuant to the Act, the fiscal year for the District shall begin on July 1.

19 (c) Pursuant to the Act and no earlier than 180 days and no later than 90 days prior to
20 the first day of each fiscal year, the District shall submit to the Board of Aldermen a proposed
21 annual budget for the District, setting forth expected expenditures, revenues, and rates of

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1 assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on
2 this proposed budget, but if such comments are given, the Board of Aldermen shall provide such
3 written comments no later than 60 days prior to the first day of the relevant fiscal year; such
4 comments shall not constitute requirements but shall only be recommendations.

5 (d) Pursuant to the Act, the District shall hold an annual meeting for the District and
6 adopt an annual budget no later than 30 days prior to the first day of each fiscal year.

7 (e) Within 120 days after the end of each fiscal year, the District shall submit a report
8 to the Register of the City and the Missouri Department of Economic Development stating the
9 services provided, revenues collected and expenditures made by the District during such fiscal
10 year, and copies of written resolutions approved by the board of the District during the fiscal
11 year. The Register shall retain this report as part of the official records of the City and shall also
12 cause this report to be spread upon the records of the Board of Aldermen.

13 **SECTION FIVE.**

14 (a) The District is authorized by the Act to use the funds of the District for any of the
15 improvements and activities authorized by the Act.

16 (b) Pursuant to the Act, the District shall have all the powers necessary to carry out
17 and effectuate the purposes as set forth in the Act.

18 (c) The term for the existence of the Additional Property Subdistrict will begin on the
19 effective date of this ordinance and will end on December 31, 2021 to be coterminous with the
20 term of the District.

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1 **SECTION SIX.** The Board of Aldermen found and determined in Ordinances 67350
2 and 67494 that property within the District was a blighted area by reason of pervasive poverty,
3 unemployment and general distress, and unlikely to be able to support reasonable tax assessment
4 or to experience economic growth without the tax incentive provided by the Federal
5 Empowerment Zone and Enterprise Community Act designed to spur economic growth (see
6 Omnibus Budget Reconciliation Act of 1993; the Taxpayer Relief Act of 1997; and the Tax
7 Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010) and the
8 Missouri Enhanced Enterprise Zone (see Mo. Rev. Stat. §§135.950 *et seq.* (Supp. 2009)).

9 **SECTION SEVEN.** The Board of Aldermen hereby finds that the use of the proceeds of
10 the special assessments as provided in the Additional Property Petition will serve a public
11 purpose by remediating blight and encouraging the redevelopment of real property within the
12 District.

13 **SECTION EIGHT.** Pursuant to the Act, the Board of Aldermen shall not decrease the
14 level of publicly funded services in the Additional Property Subdistrict existing prior to the
15 addition of the Additional Property Subdistrict to the Existing District or transfer the financial
16 burden of providing the services to the Additional Property Subdistrict unless the services at the
17 same time are decreased throughout the City, nor shall the Board of Aldermen discriminate in the
18 provision of the publicly funded services between areas included in the District and areas not so
19 included.

20 **SECTION NINE.** The Register shall report in writing the addition of the Additional
21 Property Subdistrict to Existing District to the Missouri Department of Economic Development.

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1 **SECTION TEN.** If any section, subsection, sentence, clause, phrase or portion of this
2 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of
3 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
4 distinct and independent provision of this ordinance, and such holding or holdings shall not
5 affect the validity of the remaining portions of this ordinance.

6 **SECTION ELEVEN.** Being necessary for the immediate preservation of the public
7 health, welfare and safety, it is declared to be an emergency measure within the Charter of the
8 City of St. Louis and shall become effective immediately upon its passage and approval by the
9 Mayor.

10 ADOPTED this _____ day of _____, 2015.